



Reprinted  
April 10, 2003

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## ENGROSSED SENATE BILL No. 286

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DIGEST OF SB 286 (Updated April 9, 2003 11:44 AM - DI 107)

**Citations Affected:** IC 5-2; IC 36-2.

**Synopsis:** Sex offender registration. Makes it a Class D felony for a registered sex offender to fail to submit a new registration form with the proper law enforcement authority after changing addresses. Requires the sex offender web site to be updated at least every seven days.

**Effective:** July 1, 2003.

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**Broden, Long, Zakas, Lanane,  
Drozda**

(HOUSE SPONSORS — DVORAK, KOCH, THOMAS)

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January 15, 2003, read first time and referred to Committee on Judiciary.  
February 6, 2003, reported favorably — Do Pass.  
February 10, 2003, read second time, ordered engrossed.  
February 11, 2003, engrossed. Read third time, passed. Yeas 49, nays 0.

HOUSE ACTION

March 4, 2003, read first time and referred to Committee on Courts and Criminal Code.  
April 3, 2003, amended, reported — Do Pass.  
April 9, 2003, read second time, amended, ordered engrossed.

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ES 286—LS 6619/DI 69+



Reprinted  
April 10, 2003

First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

## ENGROSSED SENATE BILL No. 286

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A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 5-2-12-9, AS AMENDED BY P.L.116-2002,  
2 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2003]: Sec. 9. An offender who knowingly or intentionally:  
4 (1) fails to register under this chapter; **or**  
5 (2) **fails to complete and submit a new registration form as**  
6 **required under section 8(a) of this chapter;**  
7 commits a Class D felony. However, the offense is a Class C felony if  
8 the offender has a prior unrelated offense under this section.  
9 SECTION 2. IC 36-2-13-5.5, AS ADDED BY P.L.116-2002,  
10 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
11 JULY 1, 2003]: Sec. 5.5. (a) The sheriffs shall jointly establish and  
12 maintain a sex offender web site, known as the Indiana sheriffs' sex  
13 offender registry, to inform the general public about the identity,  
14 location, and appearance of every sex offender residing within Indiana.  
15 The web site must provide information regarding each sex offender,  
16 organized by county of residence. **The web site shall be updated at**  
17 **least every seven (7) days.**

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(b) The sex offender web site must include the following information:

- (1) A recent photograph of every sex offender who has registered with a sheriff after the effective date of this chapter.
- (2) The home address of every sex offender.
- (3) The information required to be included in the sex offender directory (IC 5-2-12-6).

(c) Every time a sex offender submits a new registration form to the sheriff, but at least once per year, the sheriff shall photograph the sex offender. The sheriff shall place this photograph on the sex offender web site.

(d) The photograph of a sex offender described in subsection (c) must meet the following requirements:

- (1) The photograph must be full face, front view, with a plain white or off-white background.
- (2) The image of the offender's face, measured from the bottom of the chin to the top of the head, must fill at least seventy-five percent (75%) of the photograph.
- (3) The photograph must be in color.
- (4) The photograph must show the offender dressed in normal street attire, without a hat or headgear that obscures the hair or hairline.
- (5) If the offender normally and consistently wears prescription glasses, a hearing device, wig, or a similar article, the photograph must show the offender wearing those items. A photograph may not include dark glasses or nonprescription glasses with tinted lenses unless the offender can provide a medical certificate demonstrating that tinted lenses are required for medical reasons.
- (6) The photograph must have sufficient resolution to permit the offender to be easily identified by a person accessing the sex offender web site.

(e) The sex offender web site may be funded from:

- (1) the jail commissary fund (IC 36-8-10-21);
- (2) a grant from the criminal justice institute; and
- (3) any other source, subject to the approval of the county fiscal body.

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SENATE MOTION

Mr. President: I move that Senator Long be added as coauthor of Senate Bill 286.

BRODEN

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## COMMITTEE REPORT

Mr. President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 286, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 286 as introduced.)

BRAY, Chairperson

Committee Vote: Yeas 10, Nays 0.

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ES 286—LS 6619/DI 69+



SENATE MOTION

Mr. President: I move that Senator Zakas be added as coauthor of Engrossed Senate Bill 286.

BRODEN

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SENATE MOTION

Mr. President: I move that Senators Lanane and Drozda be added as coauthors of Senate Bill 286.

BRODEN

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Senate Bill 286, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration and to make an appropriation.

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 4-23-25-9, AS AMENDED BY P.L.291-2001, SECTION 167, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 9. The department of workforce development established by IC 22-4.1-2 shall provide staff and administrative support to:

(1) the commission; **and**

**(2) the sexual assault standards and certification board.**

SECTION 2. IC 4-23-25-11 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 11. (a) As used in this section, "board" refers to the sexual assault standards and certification board established by subsection (c).

(b) As used in this section, "rape crisis center" means an organization that provides a full continuum of services, including hotlines, victim advocacy, and support services from the onset of need for services through the completion of healing, to victims of sexual assault.

(c) The sexual assault standards and certification board is established and consists of the following seven (7) members appointed by the governor:

(1) A member recommended by the commission.

(2) A member from law enforcement.

(3) A member from the judicial system.

(4) A member recommended by the Indiana coalition against sexual assault.

(5) A member representing mental health professionals.

(6) A member representing hospital administration.

(7) A member who is an emergency room nurse.

(d) A member shall be appointed for a four (4) year term. Not more than four (4) members may be of the same political party.

(e) The members of the board shall elect a member to serve as chairperson.

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(f) The board shall meet at the call of the chairperson. Four (4) members of the board constitute a quorum.

(g) The board shall:

- (1) develop standards for certification as a sexual assault victim advocate;
- (2) set fees that cover the costs for the certification process; and
- (3) adopt rules under IC 4-22-2 to implement this section.

(h) Members of the board may not receive salary per diem. Members of the board are entitled to receive reimbursement for mileage for attendance at meetings.

(i) The sexual assault victims assistance account is established within the state general fund. The board shall administer the account to provide financial assistance to rape crisis centers. Money in the account must be distributed to a statewide nonprofit corporation whose primary purpose is pursuing the eradication of sexual violence in Indiana. The nonprofit corporation shall allocate money in the account to rape crisis centers. The account consists of:

- (1) amounts transferred to the account for sexual assault victims assistance fees collected under IC 33-19-6-21;
- (2) any appropriations to the account from other sources;
- (3) fees collected for certification by the board;
- (4) grants, gifts, and donations intended for deposit in the account; and
- (5) interest accruing from the money in the account.

(j) The expenses of administering the account shall be paid from money in the account. The board shall designate not more than ten percent (10%) of the appropriation made each year to the nonprofit corporation for program administration. The board may not use more than ten percent (10%) of the money collected from certification fees to administer the certification program.

(k) Money in the account is continually appropriated for purposes of this section.

(l) The treasurer of state shall invest the money in the account not currently needed to meet the obligations of the account in the same manner as other public money may be invested.

(m) Money in the account at the end of a state fiscal year does not revert to the state general fund."

Page 1, after line 8, begin a new paragraph and insert:

"SECTION 2. IC 33-19-7-1, AS AMENDED BY P.L.39-2002, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE





JULY 1, 2003]: Sec. 1. (a) The clerk of a circuit court shall semiannually distribute to the auditor of state as the state share for deposit in the state general fund seventy percent (70%) of the amount of fees collected under the following:

- (1) IC 33-19-5-1(a) (criminal costs fees).
- (2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).
- (3) IC 33-19-5-3(a) (juvenile costs fees).
- (4) IC 33-19-5-4(a) (civil costs fees).
- (5) IC 33-19-5-5(a) (small claims costs fees).
- (6) IC 33-19-5-6(a) (probate costs fees).
- (7) IC 33-19-6-16.2 (deferred prosecution fees).

(b) The clerk of a circuit court shall semiannually distribute to the auditor of state for deposit in the state user fee fund established under IC 33-19-9-2 the following:

- (1) Twenty-five percent (25%) of the drug abuse, prosecution, interdiction, and correction fees collected under IC 33-19-5-1(b)(5).
- (2) Twenty-five percent (25%) of the alcohol and drug countermeasures fees collected under IC 33-19-5-1(b)(6), IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).
- (3) Fifty percent (50%) of the child abuse prevention fees collected under IC 33-19-5-1(b)(7).
- (4) One hundred percent (100%) of the domestic violence prevention and treatment fees collected under IC 33-19-5-1(b)(8).
- (5) One hundred percent (100%) of the highway work zone fees collected under IC 33-19-5-1(b)(9) and IC 33-19-5-2(b)(5).
- (6) One hundred percent (100%) of the safe schools fee collected under IC 33-19-6-16.3.
- (7) One hundred percent (100%) of the automated record keeping fee (IC 33-19-6-19).

(c) The clerk of a circuit court shall monthly distribute to the county auditor the following:

- (1) Seventy-five percent (75%) of the drug abuse, prosecution, interdiction, and correction fees collected under IC 33-19-5-1(b)(5).
- (2) Seventy-five percent (75%) of the alcohol and drug countermeasures fees collected under IC 33-19-5-1(b)(6), IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).

The county auditor shall deposit fees distributed by a clerk under this subsection into the county drug free community fund established under IC 5-2-11.

(d) The clerk of a circuit court shall monthly distribute to the county

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auditor fifty percent (50%) of the child abuse prevention fees collected under IC 33-19-5-1(b)(8). The county auditor shall deposit fees distributed by a clerk under this subsection into the county child advocacy fund established under IC 12-17-17.

(e) The clerk of a circuit court shall monthly distribute to the county auditor one hundred percent (100%) of the late payment fees collected under IC 33-19-6-20. The county auditor shall deposit fees distributed by a clerk under this subsection as follows:

(1) If directed to do so by an ordinance adopted by the county fiscal body, the county auditor shall deposit forty percent (40%) of the fees in the clerk's record perpetuation fund established under IC 33-19-6-1.5 and sixty percent (60%) of the fees in the county general fund.

(2) If the county fiscal body has not adopted an ordinance under subdivision (1), the county auditor shall deposit all the fees in the county general fund.

(f) The clerk of the circuit court shall semiannually distribute to the auditor of state for deposit in the sexual assault victims assistance ~~fund~~ **account** established under ~~IC 16-19-13-6~~ **IC 4-23-25-11(i)** one hundred percent (100%) of the sexual assault victims assistance fees collected under IC 33-19-6-21.

(g) The clerk of a circuit court shall monthly distribute to the county auditor the following:

(1) One hundred percent (100%) of the support and maintenance fees for cases designated as non-Title IV-D child support cases in the Indiana support enforcement tracking system (ISETS) collected under IC 33-19-6-5.

(2) The percentage share of the support and maintenance fees for cases designated as IV-D child support cases in ISETS collected under IC 33-19-6-5 that is reimbursable to the county at the federal financial participation rate.

The county clerk shall monthly distribute to the office of the secretary of family and social services the percentage share of the support and maintenance fees for cases designated as Title IV-D child support cases in ISETS collected under IC 33-19-6-5 that is not reimbursable to the county at the applicable federal financial participation rate.

SECTION 3. IC 36-2-13-5.5, AS ADDED BY P.L.116-2002, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 5.5. (a) The sheriffs shall jointly establish and maintain a sex offender web site, known as the Indiana sheriffs' sex offender registry, to inform the general public about the identity, location, and appearance of every sex offender residing within Indiana.



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The web site must provide information regarding each sex offender, organized by county of residence. **The web site shall be updated at least every seven (7) days.**

(b) The sex offender web site must include the following information:

- (1) A recent photograph of every sex offender who has registered with a sheriff after the effective date of this chapter.
- (2) The home address of every sex offender.
- (3) The information required to be included in the sex offender directory (IC 5-2-12-6).

(c) Every time a sex offender submits a new registration form to the sheriff, but at least once per year, the sheriff shall photograph the sex offender. The sheriff shall place this photograph on the sex offender web site.

(d) The photograph of a sex offender described in subsection (c) must meet the following requirements:

- (1) The photograph must be full face, front view, with a plain white or off-white background.
- (2) The image of the offender's face, measured from the bottom of the chin to the top of the head, must fill at least seventy-five percent (75%) of the photograph.
- (3) The photograph must be in color.
- (4) The photograph must show the offender dressed in normal street attire, without a hat or headgear that obscures the hair or hairline.
- (5) If the offender normally and consistently wears prescription glasses, a hearing device, wig, or a similar article, the photograph must show the offender wearing those items. A photograph may not include dark glasses or nonprescription glasses with tinted lenses unless the offender can provide a medical certificate demonstrating that tinted lenses are required for medical reasons.
- (6) The photograph must have sufficient resolution to permit the offender to be easily identified by a person accessing the sex offender web site.

(e) The sex offender web site may be funded from:

- (1) the jail commissary fund (IC 36-8-10-21);
- (2) a grant from the criminal justice institute; and
- (3) any other source, subject to the approval of the county fiscal body.

SECTION 4. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2003]: IC 16-18-2-307.5; IC 16-19-13-6.

SECTION 5. [EFFECTIVE JULY 1, 2003] (a) **The initial terms of**

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office for the seven (7) individuals appointed under IC 4-23-25-11, as added by this act, are as follows:

- (1) Two (2) members for a term of four (4) years.
- (2) Two (2) members for a term of three (3) years.
- (3) Two (2) members for a term of two (2) years.
- (4) One (1) member for a term of one (1) year.

(b) The initial terms begin July 1, 2003.

(c) The governor shall call the board together for the first meeting and designate the term for each member under subsection (a).

(d) This SECTION expires July 1, 2007.

SECTION 6. [EFFECTIVE JULY 1, 2003] (a) All assets, funds, rights, and obligations of the sexual assault victims assistance fund (IC 16-19-13-6) on June 30, 2003, are transferred on July 1, 2003, to the sexual assault victims assistance account established by IC 4-23-25-11, as added by this act.

(b) This SECTION expires July 2, 2003."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 286 as printed February 7, 2003.)

WEINZAPFEL, Chair

Committee Vote: yeas 11, nays 1.

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HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 286 be amended to read as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

Page 1, delete lines 1 through 17.

Delete page 2.

Page 3, delete lines 1 through 12.

Page 3, delete lines 21 through 42.

Delete page 4.

Page 5, delete lines 1 through 16.

Page 6, delete lines 20 through 39.

Renumber all SECTIONS consecutively.

(Reference is to ESB 286 as printed April 4, 2003.)

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